

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ELAN MICROELECTRONICS
CORPORATION,

Plaintiff,

v.

APPLE, INC.,

Defendant.

Case No.: C 09-01531 RS (PVT)

**ORDER GRANTING AS UNOPPOSED
DEFENDANT APPLE, INC.'S MOTION
FOR LEAVE TO AMEND INVALIDITY
CONTENTIONS**

[DOCKET NO. 171]

Defendant Apple, Inc. moves for leave to amend its invalidity contentions to add certain prior art references that have recently been discovered and analyzed, and to further clarify its obviousness and indefiniteness contentions. A hearing on the motion was noticed for October 26, 2010. Pursuant to Civ. L.R. 7-3(a), an opposition was due no later than October 5, 2010. To date, no opposition has been filed. Pursuant to Civ. L.R. 7-1(b), the motion is taken under submission and the hearing scheduled to be held on October 26, 2010 is vacated. Having reviewed the papers and considered the arguments of counsel,

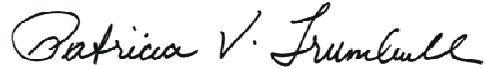
IT IS HEREBY ORDERED that defendant Apple's motion for leave to amend its invalidity contentions is granted as unopposed.¹ Here, defendant Apple has shown good cause by representing

¹ The holding of this court is limited to the facts and particular circumstances underlying the present motion.

1 that it has made a recent discovery of prior art despite an earlier diligent search. *See, e.g.*,
2 Declaration of Sonal Mehta, ¶ 3. Defendant Apple shall file its amended invalidity contentions no
3 later than October 22, 2010.

4 IT IS SO ORDERED.

5 Dated: October 18, 2010



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7 PATRICIA V. TRUMBULL
United States Magistrate Judge

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